

DECLARATION AND POWER OF ATTORNEY  
FOR PATENT APPLICATION

As the below named inventors, we hereby declare that:

Our residences, post office addresses and citizenship are as stated below next to our names, Benjamin C. Huter, Kevin M. Magrini, and John E. Papp.

We believe we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled HINGED SHORT CAGE FOR AN EMBOLIC PROTECTION DEVICE the specification of which (check one)

       is attached hereto

      x       was filed on August 31, 2001

Application Serial No. 09/944,633

and was amended on (or amended through) \_\_\_\_\_

(if applicable)

We hereby state that we have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above.

We acknowledge the duty to disclose information which is material patentability as defined in Title 37, Code of Federal Regulations, Sec. 1.56.

We hereby claim foreign priority benefits under Title 35, United States Code, Sec.

119 (a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)	Priority Claimed
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<u>Number</u>	<u>Country</u>	<u>Day/Month/Year filed</u>	<u>Yes</u>	<u>No</u>
None				

We hereby claim the benefit under Title 35, United States Code, Sec. 119(e) of any United States provisional application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Sec. 112, we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Sec. 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

<u>Appln. Serial No.</u>	<u>Filing Date</u>	<u>Status (patented, pending, abandoned)</u>
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None
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We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

We hereby appoint the following attorneys to prosecute this application and to

transact all business in the Patent and Trademark Office connected therewith:

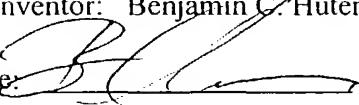
EARL A. BRIGHT II, Registration No. 37,045; THOMAS A HASSING, Registration No. 36,159; TIM L. KITCHEN, Registration 41,900; PHILIP S. YIP, Registration 37,265; RICHARD A. BARDIN, Registration No. 20,365; GILBERT G. KOVELMAN; Registration No. 19,552; JOHN S. NAGY, Registration No. 30,664; THOMAS H. MAJCHER, Registration No. 31,119; THOMAS A. RUNK, Registration No. 30,679; RONALD E. PEREZ, Registration No. 36,891; JOHN V. HANLEY, Registration No. 38,171; RICHARD B. CATES, Registration No. 36,100; JOHN K. FITZGERALD, Registration No. 38,881; and PAUL Y. FENG, Registration No. 35,510; HOWARD N. SUMMERS, Registration No. 24,138; GUNTHER O. HANKE, Registration No. 32,989.

Direct all telephone calls to Thomas H. Majcher at telephone number (310) 824-5555.

Address all correspondence to:

FULWIDER PATTON LEE & UTECHT, LLP  
Howard Hughes Center  
6060 Center Drive  
Tenth Floor  
Los Angeles, California 90045

Full name of first inventor: Benjamin C. Huter

Inventor's signature: 

Date: 10/15, 2001

Residence: Murrieta, California

Citizenship: USA

Post Office Address: 24375 Jackson Avenue, I-307, Murrieta, California 92562

Full name of second inventor: Kevin M. Magrini

Inventor's signature: \_\_\_\_\_

Date: \_\_\_\_\_, 2001

Residence: Temecula, California

Citizenship: USA

Post Office Address: 29504 Courtney Place, Temecula, California 92591

Full name of third inventor: John E. Papp

Inventor's signature: \_\_\_\_\_

Date: \_\_\_\_\_, 2001

Residence: Temecula, California

Citizenship: Australia

Post Office Address: 33998 Linda Rosea Road, Temecula, California 92592

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Inventor's signature: 

Date: 10 - 5, 2001

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Citizenship: USA

Post Office Address: 29504 Courtney Place, Temecula, California 92591

Full name of third inventor: John E. Papp

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Full name of third inventor: John E. Papp

Inventor's signature: John E. Papp

Date: Oct. 9th, 2001

Residence: Temecula, California

Citizenship: Australia

Post Office Address: 33998 Linda Rosea Road, Temecula, California 92592

ASSIGNMENT

This Assignment made by Benjamin C. Huter of Murrieta, California; Kevin M. Magrini of Temecula, California; and John E. Papp of Temecula, California, Assignors, to ADVANCED CARDIOVASCULAR SYSTEMS, INC., a California corporation, Assignee, having a place of business at 3200 Lakeside Drive, Santa Clara, California 95054-2807.

WHEREAS, Assignors have invented a new and useful **HINGED SHORT CAGE FOR AN EMBOLIC PROTECTION DEVICE**, for which an application for United States Letters Patent was filed on August 31, 2001 as Serial No. 09/944,633, and

WHEREAS, Assignors believe themselves to be the original, first and joint inventors of the invention disclosed and claimed in said application for Letters Patent; and

WHEREAS, Assignee desires to acquire by formal, recordable assignment the entire right, title and interest in and to said invention, said application, and any Letters Patent that may be granted for said invention in the United States and throughout the world;

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Assignors hereby sell, assign and transfer to Assignee, the entire right, title and interest in and to said invention, said application, and any Letters Patent that may be granted for said invention in the United States and throughout the world, including the right to file foreign applications directly in the name of the Assignee and to

claim for any such foreign applications any priority rights to which such applications are entitled under international conventions, treaties or otherwise.

Further, Assignors agree that, upon request and without further compensation, but at no expense to Assignors, them and their legal representative(s) and assigns will do all lawful acts, including the execution of papers and the giving of testimony, that may be necessary or desirable for obtaining, sustaining, reissuing or enforcing Letters Patent in the United States and throughout the world for said invention, and for perfecting, recording or maintaining the title of Assignee, its successors and assigns, to said invention, said application, and any Letters Patent granted for said invention in the United States and throughout the world.

Assignors represent and warrant that they have not granted and will not grant to others any rights inconsistent with the rights granted herein.

Assignors authorize and request the Commissioner of Patents and Trademarks of the United States and of all foreign countries to issue any Letters Patent granted for said invention, whether on said application or on any subsequently filed division, continuation, continuation-in-part or reissue application, to Assignee, its successors and assigns, as the assignee of the entire interest in said invention.

IN WITNESS WHEREOF, Assignors have executed this Assignment on the date  
written herein below.

Assignors:

Date: \_\_\_\_\_, 2001

\_\_\_\_\_  
Benjamin C. Huter

Date: 10-5-01, 2001

  
\_\_\_\_\_  
Kevin M. Magrini

Date: \_\_\_\_\_, 2001

\_\_\_\_\_  
John E. Papp

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Further, Assignors agree that, upon request and without further compensation, but at no expense to Assignors, them and their legal representative(s) and assigns will do all lawful acts, including the execution of papers and the giving of testimony, that may be necessary or desirable for obtaining, sustaining, reissuing or enforcing Letters Patent in the United States and throughout the world for said invention, and for perfecting, recording or maintaining the title of Assignee, its successors and assigns, to said invention, said application, and any Letters Patent granted for said invention in the United States and throughout the world.

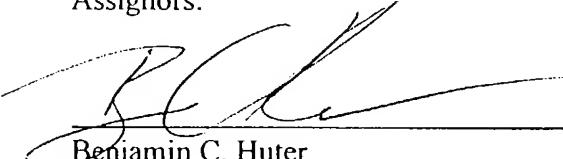
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IN WITNESS WHEREOF, Assignors have executed this Assignment on the date  
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Assignors:

Date: 10/15, 2001



Benjamin C. Huter

Date: \_\_\_\_\_, 2001

\_\_\_\_\_  
Kevin M. Magrini

Date: \_\_\_\_\_, 2001

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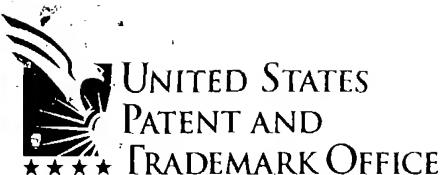
\_\_\_\_\_  
Benjamin C. Huter

Date: \_\_\_\_\_, 2001

\_\_\_\_\_  
Kevin M. Magrini

Date: OCT. 9TH, 2001

\_\_\_\_\_  
John E. Papp



MARCH 12, 2002

FULWIDER PATTON LEE & UTECHT, LLP  
THOMAS H. MAJCHER  
HOWARD HUGHES CENTER  
6060 CENTER DRIVE, TENTH FLOOR  
LOS ANGELES, CA 90045

PTAS

Chief Information Officer  
Washington, DC 20231  
[www.uspto.gov](http://www.uspto.gov)



\*101952286A\*

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 01/10/2002

REEL/FRAME: 012468/0220

NUMBER OF PAGES: 10

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:  
HUTER, BENJAMIN C.

DOC DATE: 10/15/2001

ASSIGNOR:  
MAGRINI, KEVIN M.

DOC DATE: 10/05/2001

ASSIGNOR:  
PAPP, JOHN E.

DOC DATE: 10/09/2001

ASSIGNEE:  
ADVANCED CARDIOVASCULAR SYSTEMS,  
INC.  
3200 LAKESIDE DRIVE  
SANTA CLARA, CALIFORNIA 95054-2807

SERIAL NUMBER: 09944633  
PATENT NUMBER:

FILING DATE: 08/31/2001  
ISSUE DATE:

SAUNDRA BALLENGER, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS